

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PAMELA SANDERS WATERS, <sup>1</sup>	§	
	§	No. 332, 2008
Respondent Below,	§	
Appellant,	§	Court Below—Family Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
RICHARD MITCHELL,	§	
	§	
Petitioner Below,	§	C.A. No. CS03-06217
Appellee.	§	

Submitted: January 30, 2009

Decided: April 7, 2009

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 7<sup>th</sup> day of April 2009, upon consideration of the parties' briefs on appeal and the Family Court record, it appears to the Court that:

(1) The parties married in 1994, separated in February 2003 and divorced in October 2003. The Family Court retained jurisdiction to decide ancillary matters. Ancillary matters were stayed, however, while the appellant ("Wife") went through bankruptcy proceedings.

(2) Wife appeared *pro se* at the April 2, 2008 trial on ancillary matters. The appellee ("Husband") was represented by counsel. Wife has appealed the

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<sup>1</sup> By Order dated July 2, 2008, the Court *sua sponte* assigned pseudonyms to the parties. Del. Supr. Ct. R. 7(d).

Family Court's order of June 5, 2008, that divided the parties' marital estate. We have determined that there is no merit to the appeal. Accordingly, we affirm.

(3) It appears from the record that the parties purchased a hair salon in 1999 that they incorporated in 2001 ("the old business"). Wife worked as a hair stylist in the old business and was listed as President and 75% shareholder. Husband contributed capital to the old business, performed office duties, and was listed as Secretary, Treasurer and 25% shareholder.

(4) Shortly after the parties separated in February 2003, Wife, without notice to Husband, began a new hair salon business ("the new business"). Wife incorporated the new business in April 2003 without notice to Husband and transferred the majority of the funds from the old business bank account into the new business bank account. Wife dissolved the old business in June 2003 without notice to Husband.

(5) In its June 5, 2008 order dividing the parties' marital property, the Family Court ordered that Wife pay Husband the net sum of \$23,337.49, an amount that included 35% of the old business as valued at \$50,000.00.<sup>2</sup> In her opening brief on appeal, Wife argues that Husband is not entitled to an equitable interest in the old business. Also, Wife disputes the Family Court's valuation of a

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<sup>2</sup> The Family Court determined the value of the old business based on Wife's testimony during the bankruptcy proceedings.

gun collection, division of a Longaberger basket collection, and inclusion of a Capital One credit card as marital debt.

(6) The Family Court has broad discretion to divide marital property under title 13, section 1513 of the Delaware Code.<sup>3</sup> On appeal from an order dividing a marital estate, this Court reviews the facts and the law as well as the inferences and deductions made by the Family Court.<sup>4</sup> This Court will not disturb findings of fact unless they are clearly wrong and justice requires that they be overturned.<sup>5</sup> Errors of law are reviewed *de novo*.<sup>6</sup> If the Family Court has correctly applied the law, our standard of review is abuse of discretion.<sup>7</sup>

(7) In this case, having carefully reviewed the parties' positions on appeal and the Family Court record, including the April 2, 2008 trial transcript and the trial exhibits, we conclude that there is no basis for disturbing the factual findings of the Family Court and no errors of law. We affirm the Family Court's division of marital property on the basis of the Court's decision of June 5, 2008.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>3</sup> Del. Code Ann. tit. 13, § 1513 (1999).

<sup>4</sup> *Wife (J.F.V.) v. Husband (O.W.V.)*, 402 A.2d 1202, 1204 (Del. 1979).

<sup>5</sup> *Id.*

<sup>6</sup> *Forrester v. Forrester*, 953 A.2d 175, 179 (Del. 2008).

<sup>7</sup> *Id.*